

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.15679 OF 2006

Dated: 27.7.2006

Between:

Jamaitul Quresh, A.P., ... Petitioner

And

Municipal Corporation of Hyderabad
And another. ... Respondent.

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.15679 OF 2006

ORDER:

Heard the counsel.

The writ petition is filed praying for a writ of mandamus declaring that the action of the respondent Corporation contained in the notice dated 18.7.2006 issued under Section 636 of the Hyderabad Municipal Corporation Act 1955, as arbitrary and ultra vires and consequently direct the respondent Corporation to forbear from demolishing any part of the premises of the petitioner bearing No.20-4-209/1, Himmatpura, Hyderabad without notifying the petitioner about the invalidating factors relating to the construction of the said premises and grant such other suitable relief.

The grievance of the petitioner is that without issuing any show-cause notice straightaway the impugned notice had been issued, without affording any opportunity to submit any explanation whatsoever. Apart from this aspect of the matter, several factual details also had been narrated in the affidavit filed in support of the writ petition.

Hence, in the facts and circumstances of the case, the impugned notice to be treated as show cause notice and the petitioner is given an opportunity to file objections to the said notice, within a period of two weeks and the respondent-Corporation shall take into

consideration the objections, if any, which may be submitted by the petitioner and pass appropriate orders thereof. Till this exercise is made, the respondents are directed not to carry out any demolition activity in relation to the subject matter of the writ petition.

With the above direction, the writ petition is disposed of. No order as to costs.